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Of Attorneys for Defendant Infantino, LLC

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF OREGON  
EUGENE DIVISION

LISA COCHRAN, Personal Representative of  
the Estate of Derrick Fowler, LISA  
COCHRAN, individually, and JERRID  
FOWLER,

Plaintiffs,

vs.

INFANTINO, LLC; JOHN DOES  
DISTRIBUTORS and WHOLESALERS;  
STEP 2 HOLDINGS, LLC; MICHAEL  
PARNESS; BRIDGET WEISS; MICHAEL  
SILBERSTEIN; MARK SILBERTSEIN; and  
BURLINGTON COAT FACTORY OF  
OREGON, LLC.

Defendants.

Case No.6:10-CV-06016-TC

DEFENDANT STEP 2 HOLDINGS LLC'S  
MOTION TO DISMISS OR IN THE  
ALTERNATIVE MOTION FOR A MORE  
DEFINITE STATEMENT

REQUEST FOR ORAL ARGUMENT

**LR 7.1(a) CERTIFICATION**

Counsel for Step 2 Holdings LLC ("Step 2") hereby certifies that they have conferred through telephone conference with Brian Whitehead, counsel for Plaintiffs, regarding this motion. The parties conferred in an effort to resolve this dispute and have been unable to do so.

### MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(2), and without waiving any defense, affirmative defense, or counterclaim, Step 2 moves the Court for an order dismissing Plaintiffs' Third Amended Complaint against Step 2 for lack of personal jurisdiction. The Third Amended Complaint contains almost no allegations to support personal jurisdiction. In the alternative, Step 2 moves pursuant to Federal Rule of Civil Procedure 12(e) for a more definite statement from Plaintiff concerning this Court's alleged personal jurisdiction over Step 2. In support of this Motion, Step 2 relies upon its accompanying Memorandum of Law. Step 2 respectfully requests oral argument on this motion. The estimated time for hearing is 30 minutes.

Dated this 20<sup>th</sup> day of May, 2011.

SMITH FREED & EBERHARD P.C.

By: /s/ Jeffrey W. Hansen  
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UNITED STATES DISTRICT COURT FOR THE  
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LISA COCHRAN, Personal Representative of  
the Estate of Derrik Fowler, LISA  
COCHRAN, individually, and JERRID  
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Case No. 6:10-CV-06016-TC

CERTIFICATE OF SERVICE

Plaintiffs,

vs.

INFANTINO, LLC; JOHN DOES  
DISTRIBUTORS and WHOLESALERS;  
STEP 2 HOLDINGS, LLC; MICHAEL  
PARNESS; BRIDGET WEISS; MICHAEL  
SILBERSTEIN; MARK SILBERTSEIN; and  
BURLINGTON COAT FACTORY OF  
OREGON, LLC.

Defendants.

I hereby certify that on May 20, 2011, I served the foregoing **DEFENDANT STEP 2 HOLDINGS LLC'S MOTION TO DISMISS OR IN THE ALTERNATIVE MOTION FOR A MORE DEFINITE STATEMENT** on:

Brian Whitehead Law Offices of Brian R. Whitehead, P.C. 1610 12th Street SE Salem, OR 97302 Email: <a href="mailto:brian@attywhitehead.com">brian@attywhitehead.com</a> Fax: (503) 364-2655  Counsel for Plaintiffs	Eugene H. Buckle Cosgrave Vergeer & Kester, LLP 805 SW Broadway, 8th Floor Portland, OR 97205 Email: <a href="mailto:ebuckle@cvk-law.com">ebuckle@cvk-law.com</a> Fax: (503) 323-9019  Counsel for Defendant Burlington Coat Factory
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- \_\_\_\_\_ by facsimile transmission thereof to the number shown above, and
- X by mailing copies thereof, placed in a sealed envelope addressed as listed above and deposited in the United States mail at Portland, Oregon, and that postage thereon was fully prepaid.
- X by electronically filing the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the attorneys listed above.

SMITH FREED & EBERHARD P.C.

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